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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,027	02/19/2002	Gennady Ruderman	V0077/7223	6406
7590	08/11/2006			EXAMINER PATEL, VISHAL A
Gary L. Loser, Esq. Vice President and General Counsel Varian Semiconductor Equipment Associates, Inc. 35 Dory Road Gloucester, MA 01930			ART UNIT 3673	PAPER NUMBER

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/079,027	RUDERMAN, GENNADY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vishal Patel	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 35 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-34 and 36-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/19/06 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 27- 32 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 27, line 8, "the vacuum implantation process chamber" should be changed to the vacuum process chamber.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-34 and 36-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Hubler (US No. 3,666,276).

Hubler discloses a sealing device comprising a shaft seal (5a) having a sealing portion and a support portion (FIG. 2). The sealing portion is constructed and arranged to sealingly engage with a shaft and allow the shaft to be at least one of slidably and rotationally moved relative to the sealing portion (FIG. 2). There is a seal mount (22) having a first end (12), a second end (13) and a flexible member (6a) between the first (12) and second ends (13) that enable movement of the first end relative to the second end in at least one degree of freedom (via flexible connecting bellows portion). The first end (12) is sealingly engageable to at least a portion of the support portion (3a) of the shaft seal (5a). The second end (13) is sealingly engageable to an engagement surface (surface of 2a) about a port into a process chamber (FIG. 2).

B. The flexible member defines a transition space in a first zone P1, which is in fluid communication with the vacuum process chamber (defined by the interior of 2a). The pod comprises a central axis and the flexible member (6a) allows movement of the shaft (1a) seal in at least two degrees of freedom relative to the central axis of the port (FIG. 2). The pod has a pod size (13) substantially larger than the shaft size (outer diameter of 1a), which extends through the port (FIG. 2). The shaft may be angularly or laterally offset with respect to a central axis of the seal device via its flexible bellows. The sealing portion of the shaft seal sealingly engages with a cylindrical-shaped portion of the shaft. The support portion of the shaft (1a) is substantially rigid and constructed of metal or PTFE (Col. 2, line 31). The flexible member may be rubber or an elastomer. The flexible member includes a plurality of undulations forming a bellows portion (FIG. 2). There is a first retaining ring constructed and arranged to sealingly engage a first end of the flexible member to the shaft. An o-ring is positioned between the first retaining ring and the shaft seal. There is a second retaining ring (13) constructed and arranged to sealingly

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engage a second end of the flexible member to an engagement surface of the process chamber (interior of 2a). There is a second o-ring positioned between the second retaining ring (13) and the engagement surface (2a). The flexible member (6a) includes a flexible collar portion connecting the bellows and 13. The device is fluidly connectable to a vacuum source (Col. 4, line 41). Hubler teaches that the shaft is extended through an opening through a chamber (chamber formed by 2a and opening through 2a)

The fact that the seal arrangement may be used with a shaft in a vacuum environment is given very little patentable weight because this limitation is considered to be intended use limitation. The fact that the shaft maybe controlled by an external controller is considered to be intended use limitation and given very little patentable weight.

Furthermore Hubler does teach that a vacuum exists in area with pressure P1, the seal integrity is maintained and the shaft is capable of being movable by an external controller.

The fact that the process systems comprise an ion implantation processing system is given very little patentable weight because this limitations is considered to be intended use limitation.

***Response to Arguments***

6. Applicant's arguments filed 6/19/06 have been fully considered but they are not persuasive.

Applicants' argument that claim 1, claimed a vacuum process chamber is correct but as pointed out in the non-final Office mailed on 10/29/04, this limitation is considered to be intended use limitation.

Applicants' argument that the Hubler fails to teach a seal for a shaft that is movable in at least one of longitudinal manner and rotational manner is not persuasive because this is taught by Hubler (column 3, lines 1-6).

Applicants' argument to the ion implantation processing system is not persuasive because this limitations is considered to be intended use limitations and the seal of Hubler is capable of being used in a vacuum process system (well know in the art that vacuum process system compose of an ion implantation processing system).

Applicants' argument that Hubler does not teach that the shaft enables movement of an object in a second zone or process chamber by an external controller as claimed in the present invention is not persuasive because as stated above that the shaft of Hubler is operable by an external controller to provide movement of a second object connected to an end of the shaft that is in a process chamber behind wall 2a.

Furthermore as pointed out in the rejection that the claims are directed to a sealing device, a floating shaft seal and a device for maintaining a seal and not to an ion process chamber or a vacuum process chamber as argued by applicant.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP  
August 1, 2006



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